IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 181 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19-11-2004 in WP. NO: 14565 OF 2004 on the file of the High Court.)

Between:

D.Venkateshwarlu, S/o.Sri D.Bixamaiah,Assistant to the Senior Secretary, Primary Agriculture Cooperative Society, Pillalamarri, Suryapet Mandal of Nalgonda District.

APPELLANT.

AND:

1. The State of A.P. rep.by its Secretary to Government, Food and Agriculture (Co.op.III) Department, Government of A.P., Secretariat, Hyderabad.
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, Gruha Kalpa, M.J.Road, Hyderabad.
3. The District Level Committee (Appointments) rep.by its President/Chairman, Nalgonda District Cooperative Central Bank Limited, Nalgonda.
4 The General Manager, Nalgonda District Cooperative Central Bank Limited, Nalgonda District.
5. The District Cooperative officer, Nalgonda.
6. The Manager person-incharge/Chairman primary Agriculture Cooperative Society, Pillalamarri, Suryapet (M) of Nalgonda District C/o.Branch Manager, Nalgonda District Central Bank Limited, Branch at Suryapet, Nalgonda District.

RESPONDENTS.

Counsel for the Appellant: MR.D.GOVARDHANACHARY.

Counsel for the Respondents 1,2 AND 5: GP FOR CO-OPERATION.
Counsel for the Respondents 3&4&6: MR.T.AMARNATH GOUD.

The Court made the following:

ORDER: (Per the Honourable Smt. Justice T.Meenakumari)

This writ appeal is filed by the appellant aggrieved by the order in W.P. No: 14565 of 2004 passed on 19-11-2004, under which the learned single Judge dismissed the said writ petition.

The appellant herein is the writ petitioner. In view of the statement that the question involved in the Writ petition in W.P. No. 14565 of 2004 is squarely covered by the orders passed in W.P.No.317 of 2003 and batch, dated 30-8-2004, the learned single Judge dismissed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel.

It is contended by the learned counsel appearing on behalf of the appellant that on an earlier occasion, the respondents-authorities have passed an order in the year 16.12.2003 and the same has been assailed in W.P.No:20228 of 1993 and a Division Bench of this Court dismissed the said petition only on the ground that the impugned proceedings is only a draft order and it has no finality and the writ petition is a premature one. Therefore, the order was passed without conducting any enquiry and without affording any opportunity.

We have perused the order dated 16.12.1993 which reveals that basing on the office note dated 6.1.1992, the appointment of the petitioner was cancelled with immediate effect

and he was restored to the post of Clerk. The order impugned in the instant case was issued on 30.7.2004 fixing the consolidated pay at Rs.500/- p.m. and also directing the petitioner to refund the excess salary paid to him, within 15 days. At this stage, it is contended by the learned counsel for the appellant that the said order has been passed without issuing any notice and as such, the same is in violation of the principles of natural justice.

However, in view of the judgment of the Division Bench of this Court in W.P.No:20228 of 1993 and 3390 of 1994, dated 16.10.1997, which has become final, We do not find any reason to interfere with the impugned proceedings.

Accordingly, this writ appeal is dismissed.

_____

Justice T.Meenakumari

Date : 08th February, 2005

_____

Justice S. Ananda Reddy

Dvs/Gurc.

Copies to:

1. The Secretary to Government, The State of A.P. Food and Agriculture (Co.op.III) Department, Government of A.P., Secretariat, Hyderabad.
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, Gruha Kalpa, M.J.Road, Hyderabad.

3. The President/Chairman, The District Level Committee (Appointments), Nalgonda District Cooperative Central Bank Limited, Nalgonda.
4. The General Manager, Nalgonda District Cooperative Central Bank Limited, Nalgonda District.
5. The District Cooperative officer, Nalgonda.
6. The Manager, person-incharge/Chairman primary Agriculture Cooperative Society, Pillalamarri, Suryapet (M) of Nalgonda District C/o.Branch Manager, Nalgonda District Central Bank Limited, Branch at Suryapet, Nalgonda District.

7. Two CCs to the GP for Labour, High Court Buildings,Hyderabad.(OUT).

8. Two CD copies.

THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No.181 of 2005

(Judgment delivered by the Honourable Smt. Justice T.Meena Kumari)

08th February, 2005